

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re)	Chapter 7
)	
CRAIG ALAN SCHAFER,)	Case No. 09-01409
)	
)	
Debtor.)	Honorable Carol A. Doyle

**FIRST AND FINAL APPLICATION OF TRUSTEE'S COUNSEL
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES**

R. SCOTT ALSTERDA and UNGARETTI & HARRIS LLP (collectively "U&H"), counsel for the Trustee pursuant to 11 U.S.C. §330 and FRBP 2016 submits this first and final application for compensation and reimbursement of expenses and represents to the Court as follows:

1. The Debtor filed his voluntary petition under Chapter 7 on January 19, 2009.
2. The first meeting of creditors was scheduled on February 26, 2009.
3. On June 2, 2009, an order was entered approving the employment of U&H as counsel for the Trustee. A copy of the June 2, 2009 Order approving the employment of Ungaretti & Harris LLP as counsel for Trustee is attached hereto as Exhibit "A."
4. U&H is requesting the allowance and payment of \$12,035.50, in compensation for 45.30 hours of services performed during the period from May 9, 2009 through September 9, 2010.
5. A description of the nature of the services rendered and the major activities undertaken by U&H on behalf of the Trustee in this case are as follows:

6. Employment of Bankruptcy Counsel. U&H provided 3.80 hours of services to the Trustee with a value of \$964.00 in connection with the Trustee's motion to employ U&H as his bankruptcy counsel. The Trustee needed counsel in connection with the sale of the Debtor's interest in a residential/rental property. The services included drafting the motion, the declaration and the proposed order, and attending the hearing on the motion, which was granted on June 2, 2009.

7. Sale of Maywood Property to C. O'Neil. U&H provided 40.10 hours of services to the Trustee with a value of \$10,543.50 related to the Trustee's sale of the bankruptcy estate's interest in a residential/rental property in Maywood to Carol O'Neil who was a co-owner of the property. The services provided by U&H included the drafting and filing of a sale notice, motion and order. U&H also prepared certain closing documents including the quit-claim deed and mutual release.

An order was entered on June 2, 2009 authorizing the Trustee's sale of the Maywood property to Ms. O'Neil and U&H attempted to close the sale, however Ms. O'Neil refused to execute the closing documents.

At the Trustee's request, U&H prepared a complaint against Ms. O'Neil to recover the purchase price for the Maywood property. The complaint was filed on November 6, 2009 and U&H attended a couple of status hearings before preparing and filing a motion for default judgment against Ms. O'Neil. Ms. O'Neil finally appeared through counsel in the adversary proceeding and asserted various defenses to the complaint, as well as certain alleged claims for the allowance of administrative expenses. At the Trustee's request, U&H reviewed Ms. O'Neil's defenses and claims and assisted the Trustee in negotiating a slightly reduced purchase price and

a waiver of all claims by Ms. O'Neil. The Trustee with the assistance of U&H finally closed the sale to Ms. O'Neil in September 2010.

8. Motions to Modify Stay. U&H provided 1.20 hours of services to the Trustee with a value of \$429.00 in connection with several motions to modify the stay filed by various secured creditors to pursue foreclosure remedies. The Debtor was the owner or joint owner of several residential/rental properties at the time that the bankruptcy case was filed. During the course of the case, various secured creditors filed motions to modify the stay to pursue their respective foreclosure remedies against these properties. U&H reviewed the various motions and proposed orders and attended the hearings on these motions for the Trustee.

9. Claims Review. U&H provided 0.20 hours of services to the Trustee with a value of \$99.00. These services included a review of the filed claims after the bar date in connection with the sale of the Maywood property to Ms. O'Neil.

10. Summary of Services. The services provided to the Trustee by U&H are summarized as follows:

<u>CATEGORY</u>	<u>HOURS</u>	<u>VALUE</u>
Employment of Bankruptcy Counsel	3.80	964.00
Sale of Maywood Property to C. Neil	40.10	10,543.50
Motions to Modify the Stay	1.20	429.00
Claims Review	0.20	99.00
TOTALS	45.30	\$12,035.50

11. Attached as Exhibit "B" is an itemized statement of the legal services rendered by U&H. The statement reflects the legal services rendered, the time expended and a description of the work performed.

12. The time expended and services rendered by the individual U&H attorneys are summarized as follows:

<u>Attorney</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
R. Scott Alsterda	6.80	\$495.00	3,366.00
Patrick F. Ross	34.90	\$225.00	7,735.50
David R. Brown	0.80	\$345.00	276.00
Andrew H. Tripp	2.80	\$235.00	658.00
TOTAL	<u>45.30</u>		<u>\$12,035.50</u>

13. Exhibit "B" also includes an itemized statement of the actual expenses incurred by U&H in connection with its representation of the Trustee. These expenses include Federal Express (\$17.63), copying at 10 cents per page (\$99.20), and postage (\$60.21) for a total amount of \$177.04.

14. Based on the nature, extent and value of services performed by U&H, the results achieved, and the costs of comparable services, the compensation and reimbursement of expenses sought are fair and reasonable.

15. At all times during U&H's representation of the Trustee, U&H was a disinterested person and neither represented nor held an interest adverse to the estate with respect to matters on which U&H was employed.

WHEREFORE, U&H requests that it be awarded reasonable compensation in the amount of \$12,035.50 for legal services rendered in this case and reimbursement of actual and necessary expenses in the amount of \$177.04.

DATE: August 13, 2012

Respectfully Submitted

UNGARETTI & HARRIS LLP

Of Counsel:

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